

NOT FOR PUBLICATION

CLOSED

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JULIO CALAFAT,	:	
Plaintiff,	:	Civil Action No. 05-754 (FSH)
v.	:	<u>ORDER</u>
CHARLES W. KRANZ, NJ, et. al.,	:	March 1, 2007
Defendants	:	

This matter coming before this Court upon Magistrate Judge Schwartz’s January 8, 2007 Report and Recommendation recommending that “that the United States District Judge dismiss the Complaint pursuant to Fed. R. Civ. P. 37. The parties have ten (10) days from receipt of this Recommendation to file and serve objections;” and

it appearing that neither party has filed an objection to the Report and Recommendation and that ten days have passed, *see* L. Civ. R. 72.1(c)(2); and

it appearing that the Report and Recommendation states that Plaintiff was ordered to appear before Magistrate Judge Patty Shwartz on January 8, 2007, to demonstrate ““why sanctions, including a recommendation that the United States District Judge dismiss the Complaint’ should not be imposed for [Plaintiff’s] failure to participate in discovery,” and that Plaintiff failed to appear before Magistrate Judge Shwartz on January 8, 2007;¹ and

¹ Magistrate Judge Shwartz and Defendants each attempted to send Plaintiff a copy of the Report and Recommendation via certified mail (on January 9, 2007 and January 10, 2007, respectively). Both copies were returned as unclaimed. Defendants also mailed a copy of the Report and Recommendation to Plaintiff via regular mail on January 10, 2007; this copy was never returned to Defendants. It thus appears that Plaintiff is either refusing service of certified

this Court having reviewed *de novo* the Report and Recommendation and the January 8, 2007 record, and good cause appearing;

IT IS on this 1st day of March, 2007

ORDERED that Magistrate Judge Shwartz's January 8, 2007 Report and Recommendation is adopted as the Opinion of this Court; and it is

ORDERED that Plaintiff's Complaint is **DISMISSED** pursuant to Fed. R. Civ. P. 37; and it is further

ORDERED that this case is **CLOSED**.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.

mail related to this matter or has changed his address without informing the Court (as the Court has received no notice of a change Plaintiff's address). If the latter is the case, Plaintiff is in violation of Local Civil Rule 10.1(a), which requires parties to a civil action to provide the Clerk of the Court with their proper mailing address and directs parties to notify the Clerk of any change of address within five days.